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File No. 087494B

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re: Christopher Bailey
aka Chris Bailey

Judith A. Bailey

DEBTORS

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CASE NO. 16-22255-VFP

CHAPTER 13

CERTIFICATION OF COUNSEL
IN OPPOSITION TO DEBTOR'S
APPLICATION TO EXTEND COURT
ORDERED LOSS MITIGATION

Rob Saltzman, of full age, hereby certifies as follows:

1. I am an attorney, licensed to practice law in the State of New Jersey, am a member of the firm of Pluese, Becker & Saltzman, LLC and am responsible for the representation of the Mortgagee, LoanCare, servicer for CIT Bank, N.A.(the "Mortgagee") in the above-captioned matter. I make this Certification from my own personal knowledge based upon documents contained in my file and am authorized to make this Certification on behalf of the Mortgagee.

2. The Debtors executed the underlying \$448,000 purchase money Mortgage on June 5, 2007. . The Note set forth an adjustable rate of 7% and a Principal and Interest ("P & I") payment of \$1,493.33. The Mortgage encumbered property located at 14 South Hall Court, Wayne, NJ 07470. (The "Subject Property").

3. The Debtors applied for and received a Loan Modification, effective as of February 1, 2012. The Modification featured a step interest rate of 2% for the first five years, 3% for the sixth year and 3.875% for the remainder of the term. The new unpaid principal balance was set at \$574,291.86. The amount of \$174,638.55 was deferred with a chance to have the amount of \$62,541.86 forgiven as long as the Debtors did not default for three months or more.

4. The Debtors defaulted on their obligation pursuant to the Note and Mortgage on November 1, 2015.

5. A Complaint in Foreclosure was filed on May 26, 2016, Docket number F-014901-16.

6 On June 24, 2016, the Debtors filed the within Chapter 13 Petition. The Mortgagee's Proof Claim is for \$570,097.83, with a pre-Petition arrearage of \$28,024.55.

7. On September 21, 2018, the Debtors were granted entry into the Court's Loss Mitigation Program. Loss Mitigation was to terminate on December 21, 2018.

8. On December 21, 2018, an Application to Extend the Loss Mitigation Period was filed. On January 2, 2019, an Order Extending the Loss Mitigation Period to March 21, 2019 was filed.

9. The Mortgagee recently completed a comprehensive analysis of the Debtors' circumstances and determined that the Debtors were not eligible for any available modification, forbearance, or similar consensual resolution to the default. *See Exhibit "A," Denial Letter.* Any appeals were to be filed by February 9, 2019.

10. The Debtors submitted a new loss mitigation package and the application was denied on March 11, 2019 for an incomplete submission. *See Exhibit "B,"* Denial Letter.

11. The Debtors have defaulted on a February 2012 Loan Modification and was denied for any available modification or forbearance agreements therefore, further extension of the Loss Mitigation Program would be futile. The Mortgagee respectfully requests the Debtors' Request for an Extension of Loss Mitigation be denied.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge, information, and belief. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

DATED: April 8, 2019
Respectfully submitted,
Pluese, Becker & Saltzman, LLC

By: /s/ Rob Saltzman
Rob Saltzman, Esquire